

Comparison of the Concept of Maslahah in the Thought of At-Thufi and Al-Syathibi and its Relevance in Islamic Law

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Info Articles	Abstract
<p>Article History Received: 2024-09-09 Revised: 2024-09-18 Published: 2024-09-30</p> <p>Keywords: <i>Maslahah, At-Thufi, Al-Syathibi, Ushul Fiqh, Islamic Law, Maqasid Al-Shariah.</i></p>	<p>This study discusses the comparative concept of maslahah in the thoughts of Najm al-Din al-Tufi (At-Thufi) and Abu Ishaq al-Syathibi and its relevance in the development of Islamic law. Maslahah as an important principle in ushul fiqh has a strategic role in establishing laws that are in accordance with human needs and changes in shari'a. At-Thufi tends to give a strong position to maslahah, even in certain conditions it can be prioritized over dzanni texts, especially in the realm of muamalah. Meanwhile, Al-Syathibi places maslahah as the main objective of sharia (maqasid al-shari'ah) which must remain within the corridor of the text and not contradict the qath'i argument. This study uses a qualitative method with a library research approach through analysis of classical and contemporary ushul fiqh literature. The results of the study show differences in epistemological approaches between the two, but both emphasize that maslahah is the core of the objectives of sharia. The relevance of both of their thoughts is very important in answering the dynamic and complex issues of contemporary Islamic law.</p>

I. INTRODUCTION

Islamic law is a system of rules derived from the revelation of Allah SWT, aimed at realizing the welfare of humanity in this world and the hereafter. In practice, Islamic law focuses not only on the textual aspects of the Qur'an and Hadith but also considers the purpose and wisdom behind the enactment of these laws. Khallaf, AW (1978). One of the important concepts that is the basis for the development of Islamic law is maslahah, namely everything that brings goodness and prevents harm to humans.

This concept of maslahah becomes very relevant especially when Muslims are faced with new problems that are not explicitly explained in the texts. In the study of ushul fiqh, maslahah has a fairly broad position and is a matter of debate among scholars. Al-Raysuni, A. (1995). This difference in views is clearly visible in the thoughts of two great figures, namely Najm al-Din al-Tufi and

Abu Ishaq al-Shatibi. Both of them make maslahah an important principle in Islamic law, but have different approaches in placing the position of maslahah against the sharia text. At-Thufi is known for his views that give strong priority to maslahah, especially in muamalah matters, even in certain conditions maslahah can be prioritized over zanni evidence. Meanwhile, Al-Syathibi views maslahah as part of maqasid al-shariah which must always be in line with the text and must not contradict the qath'i evidence. The fundamental difference between the two shows the dynamics of thought in understanding the sources of Islamic law Al-Tufi, ND (nd).. At-Thufi tends to be more flexible in providing space for rationality and human interests, while Al-Syathibi emphasizes more on the balance between the text of the sharia and the general objectives of Islamic law.

This shows that the concept of maslahah is not singular, but has a variety of approaches

influenced by the perspectives of each scholar in understanding sharia. In the modern context, very rapid social, economic, and technological developments demand an adaptive and responsive approach to Islamic law. Many new issues are not found explicitly in the texts, so that the concept of *maslahah* becomes an important instrument in the contemporary *ijtihad* process. Al-Zuhaili, W. (1986) Therefore, the thoughts of At-Thufi and Al-Syathibi are very relevant to be re-examined in order to understand how *maslahah* can be applied proportionally in responding to the challenges of the times. In addition, a comparative study between these two figures is also important to avoid misunderstandings in the free use of the concept of *maslahah* without clear boundaries. If *maslahah* is not understood correctly, it is feared that there will be deviations in the determination of law that actually deviates from the objectives of sharia itself. Therefore, an in-depth scientific study is needed to see the boundaries, similarities, and differences between these two schools of thought. Based on the description above, this study aims to comparatively analyze the concept of *maslahah* according to At-Thufi and Al-Syathibi and examine its relevance in contemporary Islamic law. Abu Zahrah, M. (1958).

This research is expected to provide an academic contribution in enriching the scientific treasury of *ushul fiqh*, as well as being a reference in understanding the application of *maslahah* in a more balanced way between text and context.

II. RESEARCH METHODS

This study uses a qualitative approach with library research. Library research was conducted by collecting, reading, reviewing, and analyzing various literature sources related to the concept of *maslahah* in *ushul fiqh*, particularly the thoughts of At-Thufi and Al-Syathibi. The data sources used consist of primary and secondary sources. Primary sources consist of major works discussing the thoughts of these two figures, while secondary sources include books, scientific

journals, articles, and previous research relevant to the research theme.

The data collection technique in this study was conducted through documentation, namely by collecting various written references related to the concept of *maslahah*. The collected data was then classified based on themes, such as the definition of *maslahah*, At-Thufi's rationale, Al-Syathibi's concept of *maslahah*, and a comparison between the two. Auda, J. (2008).

The data analysis techniques used were content analysis and comparative analysis. Content analysis was conducted by in-depth review of the collected literature to gain a comprehensive understanding of the concept of *maslahah*. Meanwhile, comparative analysis was used to compare the thoughts of At-Thufi and Al-Syathibi, both in terms of similarities and differences in understanding the position of *maslahah* in Islamic law. Sardar, Z. (2011). Furthermore, the analytical results obtained were interpreted descriptively to provide a clear picture of the relevance of these two schools of thought in the context of contemporary Islam. Therefore, this research does not use field data, but rather relies entirely on a review of existing texts and literature.

This method was chosen because it is in accordance with the research objectives which aim to examine the thoughts of figures in depth and compare the concept of *maslahah* from two different perspectives in the *ushul fiqh* tradition.

III. RESULTS AND DISCUSSION

A. Research result

Based on a literature review of various sources of Islamic jurisprudence, it was found that the concept of *maslahah* in the thought of At-Thufi and Al-Syathibi shares a fundamental goal, namely, making human welfare the primary orientation in establishing Islamic law. However, they differ fundamentally in terms of the position and authority of *maslahah* in relation to sharia evidence.

In Najm al-Din al-Tufi's thinking, *maslahah* holds a very strong position in establishing law,

particularly in the fields of muamalah and social affairs. At-Tufi argued that if there is a conflict between *maslahah* and a *zanni* text, *maslahah* can take precedence. This demonstrates that At-Tufi allows greater space for rationality and human welfare in understanding Islamic law.

Meanwhile, in Abu Ishaq al-Shatibi's thinking, *maslahah* is understood as an integral part of *maqasid al-shariah* which cannot be separated from the texts of the Qur'an and Hadith. Al-Syathibi emphasized that all Sharia law basically aims to realize *maslahah*, but this *maslahah* must not conflict with the *qath'i* propositions. Thus, *maslahah* in Al-Syathibi's perspective remains within the corridor of the sharia text.

The research also shows that the main difference between the two lies in the level of flexibility in the application of *maslahah*. At-Thufi tends to be more flexible and progressive, while Al-Syathibi is more systematic and adheres to a strict *maqasid* structure. Nevertheless, both recognize that *maslahah* is the core objective of Islamic law.

Furthermore, it was found that the thoughts of these two figures are highly relevant in the context of contemporary Islamic law. In addressing various modern issues such as technological, economic, and social developments, the concept of *maslahah* (*maslahah*) is a crucial instrument in the *ijtihad* process. At-Thufi's thoughts provide broader scope for legal innovation, while Al-Syathibi sets limits to ensure that such innovation remains within the framework of sharia.

Thus, the results of this study indicate that the concept of *maslahah*, according to both At-Thufi and Al-Syathibi, has made a significant contribution to the development of Islamic law. Both can complement each other in building a more balanced understanding of law between text and context.

B. Discussion

The concept of *maslahah* in Islamic law is an important approach used to understand the primary objective of sharia (*maqāṣid al-sharī'ah*), namely, to realize goodness and prevent harm for

humanity. In the development of *ushul fiqh* (Islamic jurisprudence), this concept has undergone quite diverse elaborations, particularly in the thinking of At-Thufi and Al-Syathibi, the primary focus of this study. Both use *maslahah* as a fundamental principle, but differ in their emphasis and limitations on its use.

From Najm al-Din al-Tufi's perspective, *maslahah* holds a very strong position and can even be a primary consideration in establishing law, particularly in the realm of muamalah. At-Thufi's view is that the primary objective of sharia is human welfare. Therefore, if there is a conflict between *maslahah* and a *zanni* text, *maslahah* can take precedence. This thinking demonstrates a rationalistic tendency that provides ample room for *ijtihad* in addressing new issues not explicitly regulated in the text.

Meanwhile, in Abu Ishaq al-Shatibi's view, *maslahah* does not stand alone, but is integrated within the structure of *maqasid al-shariah*. Al-Syathibi emphasized that all Islamic law basically aims to realize *maslahah*, but it must still be within the boundaries of *qath'i* texts. Qaradawi, Y(2001). Thus, *maslahah* must not conflict with the basic principles of sharia, so that the balance between the text and the objectives of the law is maintained. The fundamental difference between At-Thufi and Al-Syathibi lies in the authority of *maslahah* in determining the law. At-Thufi provides more free space for *maslahah*, while Al-Syathibi places it within a stricter systematic framework of *maqasid*. This difference shows the existence of two modes of thought in *ushul fiqh*, namely a more rational and flexible mode and a more textual-systematic mode.

Despite their differences, both share a crucial point of agreement: the recognition that *maslahah* is the core objective of sharia. This similarity demonstrates that Islamic law is not merely normative in orientation but also considers social realities and human needs. Nasution, H. (1992). Therefore, *maslahah* can be understood as a bridge between the text of revelation and the context of human life.

In the context of contemporary Islamic law, the thoughts of these two figures have very high relevance. Rapid and complex social changes require an adaptive legal approach without abandoning the basic principles of sharia. At-Thufi's thoughts can be the basis for developing laws that are more responsive to change, while Al-Syathibi provides limitations so that the adaptation process remains within the correct maqasid corridor. Syarifuddin, A. (2005).

Thus, this discussion demonstrates that the concept of *maslahah* is not a singular concept, but rather encompasses a broad spectrum of understanding. Integrating At-Thufi's progressive approach with Al-Syathibi's systematic approach can provide a strong foundation for developing Islamic law that is more contextual, balanced, and relevant to the needs of the times.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Based on the results of research and discussion regarding the concept of *maslahah* in the thoughts of At-Thufi and Al-Syathibi, it can be concluded that both of them have similarities in terms of making *maslahah* the main goal of Islamic law. *Maslahah* is understood as an effort to realize goodness and avoid harm to humans, so it has become an important principle in the development of Islamic law.

However, there are fundamental differences between the two in terms of the position of *maslahah* in relation to *syar'i* propositions. In Najm al-Din al-Tufi's thinking, *maslahah* has a very strong position and under certain conditions can take precedence over *zanni* arguments, especially in the field of *muamalah*. Meanwhile, in Abu Ishaq al-Shatibi's thinking, *maslahah* must always be within the framework of *maqasid al-shariah* and must not conflict with *qath'i* propositions, so that it remains tied to the text.

These differences indicate the existence of two approaches to understanding Islamic law: a more flexible and rational approach by At-Thufi, and a more systematic and textual approach by Al-

Syathibi. Although different, both emphasize that *maslahah* is the core of the purpose of establishing Islamic law. Thus, the thoughts of At-Thufi and Al-Syathibi have very important relevance in contemporary Islamic law. Both can complement each other in building a more balanced understanding of law between text and context, so that Islamic law remains able to respond to the challenges of modern developments without abandoning its basic principles (Kamalli, MH (2003).

B. Suggestion

Based on the results of research regarding the concept of *maslahah* in the thoughts of At-Thufi and Al-Syathibi, there are several suggestions that can be put forward as follows.

First, academics and students are expected to continue to develop research on the concept of *maslahah* in greater depth, not limited to these two figures but also encompassing other *ushul fiqh* thinkers. This is crucial for broadening our understanding of the dynamics of Islamic legal thought and enriching the body of knowledge.

Second, in the process of learning *ushul fiqh* (Islamic jurisprudence), the concept of *maslahah* should be taught comprehensively, emphasizing a balance between textual and contextual approaches. The thoughts of Najm al-Din al-Tufi and Abu Ishaq al-Shatibi can serve as comparative material to help students understand the methodological differences in establishing Islamic law.

Third, for contemporary Islamic legal practitioners and *mujtahids*, the concept of *maslahah* (benefit) must be used carefully and proportionally. Its use must adhere to the basic principles of *sharia* to ensure it does not deviate from the texts but remains responsive to the evolving needs of modern society.

Fourth, further research is recommended to examine the implementation of the *maslahah* concept in various areas of life, such as Islamic economics, politics, and technology. This way, the *maslahah* concept can be understood not only theoretically but also practically applied in real life.

With this suggestion, it is hoped that the study of *maslahah* can provide a broader contribution to

the development of Islamic law that is relevant, adaptive, and remains based on sharia values.

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